



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

July 12, 2010

Mr. Randolph L. Everett, Seattle Major Projects Oversight Manager
Federal Highway Administration
711 S. Capitol Way, Suite 501
Olympia, Washington 98501

Margaret Kucharski
WSDOT Environmental Lead
SR 520 Pontoon Construction Project
600 Stewart Street, Suite 520
Seattle, WA 98101

Re: EPA Region 10 (EPA) comments on the Washington Department of Transportation (WSDOT) SR 520 Pontoon Construction Project (Project) Draft Environmental Impact Statement (DEIS). Region 10 Project Number: 08-007-DOT

Dear Mr. Everett and Ms. Kucharski:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We understand that the Evergreen Point Bridge is a critical component of the Puget Sound region's transportation infrastructure and that the SR 520 Pontoon Construction Project is needed to shorten the time required to replace the bridge. EPA has been an active member of the Pontoon Construction Project Agency Coordination Team (PCPACT) and we appreciate WSDOT's responsiveness to our concerns as well as concerns by other agencies and tribes. We are pleased by the level and degree of avoidance of impacts to aquatic resources demonstrated by WSDOT. EPA is also a Dredged Material Management Program (DMMP) agency and we appreciate WSDOT's substantial efforts to engage the DMMP agencies. We look forward to continuing these collaborations.

Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. Based on our review of the DEIS, we have assigned a rating of EC-2 (Environmental Concerns, Insufficient Information). In our detailed comments we describe our concerns with the DEIS's conclusion that project effects would be temporary. We also describe our concern about potential disagreement between the cities and the State of Washington on "Shorelines of Statewide Significance" as well as concerns about greenhouse gas emissions. Our related recommendations on cumulative effects, land use, and climate change, address these concerns.

Our detailed comments also list mitigation measures which we believe WSDOT should consider committing to in the ROD in order to fully protect the environment. This list is not intended to represent our full perspective on the mitigation measures which will be required through the Clean Water Act Section 404 permitting process – either for wetlands mitigation or for sediment management.

Thank you for the opportunity to review and comment on this important project. If you have questions, please contact Erik Peterson of my staff at (206) 553-6382 or peterson.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures:

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EPA Rating System for Draft Environmental Impact Statements

EPA REGION 10 DETAILED COMMENTS ON THE WSDOT SR 520 PONTOON CONSTRUCTION PROJECT DEIS

Cumulative Effects

Overall, we commend WSDOT for adequately considering cumulative effects. We especially support your discussions on how cumulative effects could be mitigated. For example, we agree that cumulative effects on fish and aquatic resources could likely be minimized through an effective "region wide cooperative interagency approach or public-private partnership" focused on substantially improving fish habitat conditions and water quality in Grays Harbor and its tributaries.

We are concerned, however, that defining impacts from the construction and operation of the casting facility as temporary may be insufficient and underestimate the potential significance of those impacts. First, we believe defining the Project's impacts as temporary is insufficient because continued operation of the casting facility beyond 2013 appears to be reasonably foreseeable. The secondary purpose of the Project supports this assertion, "A secondary purpose of the SR 520 Pontoon Construction Project is to ensure access to the proposed facility if it were needed to build pontoons for unforeseen WSDOT floating bridge repairs or replacements." (DEIS, 1-2) Also, the regional rareness of the proposed facility suggests that demand for construction of additional (potentially non-WSDOT) floating bridge pontoons may develop. Second, defining impacts as temporary may result in an underestimation of their potential significance. Operation of the facility beyond 2013 would contradict the DEIS's conclusion that, "Any effects related to project construction and operation would be temporary and would be eliminated when the project was finished in 2013." (DEIS, Appendix G, p. 21) Numerous similar conclusions are disclosed throughout the DEIS.

We recommend that the Final EIS include additional information on how the Project's effects would be temporary.

Land Use

We understand that both proposed sites are located within industrial zones. In addition to identifying industrial zones, the cities' comprehensive plans and critical areas ordinances, "...guide future community development so that cumulative effects on natural resources, including wildlife, can be considered (City of Hoquiam 2008a, 2009a; City of Aberdeen 2001, 2008)." (DEIS, p. 3.1-61) Because the cities' comprehensive plans and Shoreline Master Programs affect how natural resources are considered, we are concerned that the Cities and the State of Washington appear to disagree on whether the proposed build alternatives are located on "Shorelines of Statewide Significance" (DEIS, p. 3.12-6).

We recommend that the Final EIS clarify what appears to be a disagreement between the State and the cities. Please consider discussing implications for the Project's final suite of mitigation measures that could stem from identifying, or not identifying, the proposed project sites as "Shorelines of Statewide Significance".

Climate Change

Washington State's Departments of Ecology and Transportation are involved in substantial efforts to reduce greenhouse gas emissions (E.g., Washington Executive Order 09-05). We agree that WSDOT is, in many ways, "...leading the development of effective, measurable, and balanced reduction strategies." (DEIS, p. 3.6-9) We are unsure how the preferred alternative's estimated emissions of 238,000 MT CO₂e to the atmosphere is consistent with an overall greenhouse gas reduction strategy.

We recommend that the Final EIS include additional information on how the Project fits into the broader context of Washington's relevant climate change strategies.

Mitigation Measures

We believe that, in order to fully protect the environment, WSDOT should implement a maximum suite of mitigation measures. The DEIS discloses many required and potential mitigation measures for direct, indirect and cumulative effects on resources. We appreciate your differentiation between those mitigation measures that WSDOT "would" implement and those that WSDOT "could" implement. We understand that many of the measures that the DEIS lists as potential measures will be, and are being, finalized through various permitting processes. Overall, we believe that in order to achieve many of the DEIS's predicted net benefits (E.g., "...a gradual increase in surface water quality." DEIS, p. 3.4-14), WSDOT will have to commit to a suite of mitigation measures that will achieve the desired outcome.

Below, we list potential mitigation measures which we especially support and recommend WSDOT consider committing to in the Record of Decision.

- Commit to a full suite of air quality construction mitigation measures to avoid and minimize construction-related emissions to the extent possible.
 - See the Clean Construction USA website at <http://www.epa.gov/otaq/diesel/construction/> for many examples of construction mitigation measures, case studies, and examples of institutional arrangements for implementing this mitigation.
- Implement measures to minimize the loss or transport of contaminated sediment or debris from the dredging footprint and minimize leachate from generating and/or running off of dredged material to Grays Harbor during transport or handling of dredged sediments.
- Commit to working with boat operators to develop plans which would minimize propeller wash toward nearshore emergent wetlands.
- Utilize findings from the SR 520 Test Pile Project and the Vashon Ferry Terminal Test Pile Project to minimize impacts to fish and marine mammals from pile driving.
- Design and implement a fish-handling system at the casting basin to minimize or eliminate fish stranding or entrapment within the facility
- Remove derelict creosote-treated piles, to the greatest extent possible.
- Include the following measures in a temporary erosion and sediment control plan.
 - Install quarry spalls
 - Require regular sweeping and washing of adjacent roadways
 - Require silt fences downslope of all exposed soil
 - Construct quarry, spall-lined temporary ditches, with periodic straw bales or other sediment catchment dams

- Require temporary covers over soil stockpiles and exposed soil
 - Construct temporary sedimentation ponds to remove solids prone to settling before discharge
 - Place limits on the area exposed to runoff at any given time.
- Use construction practices that encourage efficient energy use, such as avoiding double-handling excavated soil, limiting idling equipment, and locating staging areas near work sites.
- Purchase construction materials from local suppliers to limit transportation fuel consumption.
- Requiring contractors to cover loads and to spray exposed soils with water or other suppressant to reduce dust and windblown debris
- Minimize visual effects on historic and cultural resources, public parks, and open spaces by preserving character-defining landscaping and vegetation and by designing new structures or landscapes to complement or harmonize with the existing historical or cultural buildings or landscapes.
- Continue to use the project Website, mail newsletters with information on the project, and provide contact numbers where residents could voice their concerns about the project
- Providing project materials in other languages as needed
- Providing notice to the public about increased congestion in their neighborhood caused by project construction and operation activities

We also recommend that the Final EIS summarize the status - as of the issuance of the Final EIS - of the whole suite of mitigation measures in one section or appendix. Please continue to differentiate between those measures that WSDOT is still considering and those that have already been committed to.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



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